



United States Department of the Interior

BUREAU OF LAND MANAGEMENT FILLMORE FIELD OFFICE

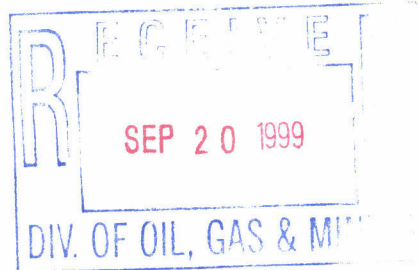
35 East 500 North
Fillmore, UT 84631
<http://enbb.blm.interwebdesign.com>



IN REPLY REFER TO:
3800
(U-010)
UTU-078263
UTU-078264

September 17, 1999

JACK ROBERTS
3 GUYS ROCK AND GEM
355 W 500 S
FILLMORE UT 84631



Dear Mr. Roberts:

Your notices to conduct mining related operations located in Millard County, Utah, Sec. 5, T. 19 S, R. 14 W., and Section 15, T. 23 S., R. 11 W., SLBM, was received on August 30, 1999, and has been accepted by this office. Your notices has been assigned case file number UTU-078263 (Desert Varnish), and UTU-078264 (Painter Springs). Please use this number in any future correspondence concerning this notice.

If you change your operation from what is described in your notice, you are required to contact this office prior to the change. If your operation extends for more than one year, please advise this office on the status of your mining related activity on the anniversary date of your notice.

Enclosed is a copy of the Conditions of Acceptance for BLM Mining Notices, stipulated by the Fillmore Field Office. Please follow these guidelines as they pertain to your operation.

We are of the preliminary opinion the deposit you plan to mine is "common variety" and, as such, is not open to location. The proper procedure for mining and disposal of this material is through 43 CFR 3610, mineral material sales, wherein you would relinquish your notice and sign a contract with the Bureau of Land Management to purchase the material at a specified price. We will gladly provide you with information regarding mineral material sales.

If you are convinced that your deposit is locatable, please be aware the Court has set standards to distinguish between common varieties and uncommon varieties of mineral deposits or stone. The standards are:

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;

2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).

Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

A copy of your notice has been sent to the Utah Division of Oil, Gas and Mining (UDOGM); therefore, you will not have to file this notice with them. A copy of your notice has also been sent to the Utah Department of Environmental Quality, Division of Water Quality (DWQ). DWQ should contact you concerning any permits you may need, however their failure to do so does not absolve you from responsibility for obtaining the same.

Also, all mining claimants and operators intending to use, store, or divert water are required by Utah and Federal statute to notify the following agencies:

Utah Department of Water Resources
1636 West North Temple
Salt Lake City, Utah 84180-1203

and

U. S. Army Corps of Engineers
Utah Regulatory Office
1403 South 600 West, Suite A
Bountiful, Utah 84010

A permit for explosives may be required from the Bureau of Alcohol, Tobacco, and Firearms (ATF). The address for ATF is:

125 South State Street
Salt Lake City, Utah 84145.

If ATF requires a permit, a copy of the permit should be submitted to this office.

You are required to report to this office, all hazardous materials associated with your operation along with information regarding their use, storage, transport, quantity, generation and disposal. Information regarding hazardous materials can be obtained from the

State of Utah, Department of Environmental Quality, Division of Solid and Hazardous Waste at:

288 North 1460 West
Salt Lake City, Utah 84114-4880

You are required to contact the Department of Environmental Quality (DEQ), Emergency Response Section (ERS) at the Sections 24-hour response number (801-536-4123) immediately of a spill or discharge of hazardous substances.

If you are selling any minerals extracted during your mining activities, the U. S. Department of Labor, Mine Safety and Health Administration (MSHA) may consider your operation to be under its jurisdiction. We recommend you contact them at:

USDOL Mine Safety and Health Administration
125 South State, Room 8220
Salt Lake City, UT 84138

As required by 43 CFR 3809, Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands and reclamation is required at the earliest feasible time. Please notify this office upon completion of operations and reclamation so an inspection may be conducted on the site. Reclamation under this notice is required to conform to the standards of the Utah Mined Land Reclamation Act.

Acceptance of your notice will not now, nor in the future, serve as a determination of the validity nor ownership of any mining claim included under your notice.

If you have any questions regarding this letter, please feel free to contact me at (801) 743-3125. Thank you for submitting your notice.

Sincerely,



Larry Garahana
Geologist

Enclosure

Conditions of Acceptance for BLM Mining Notices (p. 3)

cc: D. Wayne Hedberg, UDOGM (S/027/082, S/027/083)
Kiran L. Bhayani, DWQ
Leon Smith, Millard County Planning and Zoning
Bill Tanner, USDOL Mine Safety and Health Administration